



MILITARY MOBILIZATION OPERATION ENDURING FREEDOM

Information for Parents

The Wisconsin Department of Workforce Development - Bureau of Child Support and local child support agencies understand that many parents who participate in Wisconsin's child support program may be called to active duty at home or abroad. You may have a child support order in effect that requires you to pay support or you may be the recipient of support payments. Below, we have provided some important information for military personnel.

NEW WISCONSIN LAW

On May 29, 2006, a new Wisconsin law was enacted. The new law affects

- legal custody (making decisions for a child)
- physical placement (where the child lives)

The law:

- Prohibits a court from considering a parent's active duty in the armed forces when determining or modifying the legal custody of a child and when reinstating periods of physical placement upon a parent's discharge from active duty.
- Provides that when a child's legal custody is determined or in an action to modify a legal custody order, the court may not consider whether the service-member parent has been or will be or might be called to active duty.
- Provides that if the physical placement order of the service-member parent is modified on the basis that the service member has been or will be called to active duty, the court must require that the physical placement order that was in effect before the modification be reinstated upon the service member's discharge from active duty.

Text of law:

www.legis.state.wi.us/2005/data/acts/05Act471.pdf

WISCONSIN'S POLICY

- ***I receive child support, and I was called to active duty.***
Contact the child support agency where your order was established. Let the child support agency know the name, address, telephone number and other pertinent information of the person who will be caring for your child(ren). The child support agency can send the payment in care of the person you designate to receive the payment.

- ***I pay child support, and I have been called for active duty***
Contact the child support agency where your order was established. Provide the agency with relevant information regarding your military orders. Advise the child support agency of your new mailing address. When you return from active duty, make sure to contact the child support agency and inform them of your return and provide them with updated address and employment information.
- ***Child support is currently withheld from my civilian employer paycheck***
If child support is normally withheld from your civilian employer paycheck, it will be necessary for the child support payment to be withheld from your military pay. The local child support agency will assist in transferring the income withholding to the Defense Finance and Accounting Service (DFAS). The child support agency will contact DFAS and submit the necessary information to them. Once the information is submitted to DFAS by the child support agency, your child(ren) will continue to receive your support.
- ***The father and I are both in the military, and we have been called for active duty***
If both parents are members of the reserves and are called to active duty and you want to ensure that support payments are forwarded to the person who has legal guardianship of your child(ren), both parents should contact the local child support agency where your order is established. Both parents should provide the child support agency with information regarding your orders to appear for active duty. Provide the agency with name, address and any other significant information of the person caring for your child(ren). The child support agency can send the payment in care of the person you designate to receive the payment. Each parent should advise the child support agency of your mailing address. Upon return, notify the child support agency of any additional changes.

Health Care Coverage - Medical Support

Family members of a reservist are eligible through the Department of Defense (DOD) for medical coverage after the reservist has been activated for 30 days. Activated military members and dependents are entitled to medical care through TriCare (previously CHAMPUS). If you are ordered to provide health care coverage for your child(ren) and your current insurance policy will be ending during your deployment period, you can enroll your child(ren) for medical care through TriCare. Please contact your nearest TriCare center for information and the necessary forms you need to sign in order to obtain medical coverage for your children.

For additional information regarding TriCare, go to www.tricare.osd.mil/contactus/

If health insurance coverage will be maintained by your civilian employer during deployment, DOD advises that the deployed military personnel keeps this coverage effective. Once you return to civilian employment, your dependents are no longer eligible for benefits through the military.

Reviews and Adjustments of Child Support Amounts

Persons activated for military purposes may request an adjustment in their child support payment if there is a change of income as a result of being called to active duty. Child support agencies are encouraged to give persons who are being mobilized for duty and are requesting a child support adjustment the highest priority and flexibility under Wisconsin law. Either parent may request that the child support agency review the support order and adjust the payment, if appropriate. The

request must be sent to the child support agency where the child support order was established. Click on the link below for the addresses and numbers of the child support agencies in Wisconsin.
www.dwd.state.wi.us/bcs/cslist.htm

You must provide the child support agency with all requested information so that your case can be reviewed accurately and quickly. To aid the review of your child support case, provide the child support agency with:

- 1) A copy of your four (4) latest Leave and Earning Statement (LES), and
- 2) A copy of your orders to appear for active duty, if it is available.

Note: If you have more than one court order for support and the orders were established in different county/tribal jurisdictions, you will have to contact each agency to request a review of your court order.

Child Support Hearings and Appointments

If you are scheduled to appear at a child support hearing or appointment, and you will be deployed prior to the hearing or appointment date, you should contact the child support agency as soon as possible and provide them with that information. The child support agency may be able to reschedule the hearing. If you are not able to attend the hearing due to your military service responsibility, the agency will inform the court of your status. It may be possible to appear by phone, but you will need to discuss this option with the child support agency worker. If you have an appointment with the worker, the worker will try to hold the appointment prior to your departure.

Soldiers' and Sailors Civil Relief Act (SSCRA)

If you have been called to active duty and by being deployed your military obligation affects your ability to pay on your child support order, you may request that your interest rate be capped at 6% on your arrearages. The SSCRA limits interest on any interest-bearing obligation of military personnel to 6% for the duration of that individual's active military service.

The SSCRA is not automatic; you must make a request at the child support agency where your order was established to do so. This may be done by simply writing the agency a letter and notifying them that you have been called to active duty. Provide the child support agency with proof that your ability to pay is "materially affected" as a result of your deployment and proof of your active duty orders.

THE FEDERAL OFFICE OF CHILD SUPPORT ENFORCEMENT

The Federal Office of Child Support Enforcement issued Information Memorandum 01-09 on November 13, 2001 regarding the mobilization of reservists for military operations. The memorandum gives information on wage withholding and medical coverage. You may view or download a copy of the memorandum by clicking on the following link:

www.acf.dhhs.gov/programs/cse/pol/IM/im-01-09.htm

Additional information from the Department of Defense (DOD) may be obtained at the link below under the subheading Family Matters.

<https://www.jagcnet.army.mil/legal>

If you still have questions regarding your child support order, you should contact your child support agency where your order was established; they are able to assist you.

Finally:

We want to thank each of our military personnel for the work you do in service to our country.